

**House Local, Intergovernmental, and Regional Affairs Committee
December 6, 2012**

Re: HB 5719

Arguments in Opposition: Legal and Policy Defects

By: Alan C. Helmkamp, Assistant Wayne County Executive

This bill applies only to Wayne County, and would illegally redirect 50% of parks millage money from county parks and initiatives back to the local communities.

This millage, just under .25 mill annually, was last approved overwhelmingly by voters on November 2, 2010. The purpose of the millage is found in the ballot language:

**Proposition P
PARKS MILLAGE RENEWAL**

To renew the millage authorized in 2005, shall Wayne County continue to levy this millage at the established 2010 rollback rate of .2459 (about 25 cents per \$1,000 of taxable valuation) for five more years (2011 through 2015) to continue to improve and operate several parks and related facilities, including major improvements to Hines Park, Elizabeth Park, Chandler Park and Fort Wayne on the condition that, for any year for which this increased levy would be imposed, Wayne County must budget from other sources an amount equal to its 1995-1996 fiscal year appropriate for parks? This renewal is projected to generate \$10, 628, 000 in 2011.

This millage has restored the county regional park system and programs to excellent status. The county parks are free and open to all. Further, since 2008, it has allowed the county to partner with local communities to expend 15% of the millage proceeds on neighborhood parks in the several communities.

1) THIS BILL AMENDS THE WRONG LAW.

The bill amends the County and Regional Parks Act (Act 261 of 1965; MCL 46.351, et seq). However the Wayne County millage is not levied under this law. There is NO county parks and recreation commission created under MCL 46.351, and thus there is no levy to fund the operations of this nonexistent commission under MCL 46.355.

The Wayne County millage is levied under the authority of
a) the Parks, Zoological Gardens, and Airports Act (Act 90 of 1913; MCL 123.61 et seq). The tax levied is limited to one-quarter mill (an increase has not been approved by the voters), MCL 123.64, and
b) the Charter Counties Act (Act 293 of 1966; MCL 45.501 et seq), see specifically MCL 45.515(d), (e). (a charter county may provide for “the establishment and maintenance (of) parks” and “for the power and authority to levy and collect any taxes...the levy and collection of which is authorized by law.”)

2) THIS BILL IS ILLEGAL AS IT USES MILLAGE FUNDS FOR A PURPOSE DIFFERENT THAN THE BALLOT LANGUAGE AUTHORIZATION.

The General Property Tax Act (Act 206 of 1893; specifically MCL 211.24f) provides: “ If a taxing unit submits a proposal on the question of...renewing an existing millage...the ballot shall fully disclose each local unit of government to which the revenue will be disbursed....(and)(e) a clear statement of the purpose for the millage.”

“If the funds that voters approved for the purpose stated on the ballot could be redirected to another purpose without seeking new approval, there would be no reason for including the purpose on the ballot. Indeed, voters could be lulled into voting for a millage for a popular purpose, only to have the funds then used for something they may well have

never approved. This is contrary to the General Property Tax Act.”

**South Haven v. Van Buren County Board of Commissioners,
478 Mich 518, at 532 (2007)**

3) THIS BILL IS BAD POLICY.

Why send 50% of the millage proceeds to communities that limit access to their parks to ONLY their residents and guests (Grosse Pointes) or communities that do not have parks (Huron Township)?

The bill would deprive the county of sufficient funding to maintain the improvements made to the county park system. We cannot return to the 1980's when the grass in the parks was not cut, and the parks were havens for drug deals and crime.

4) LOCAL COMMUNITIES RECEIVE VALUE FOR THEIR CONTRIBUTION.

Their citizens use the county regional parks and recreation programs by the thousands.

The local communities have benefitted from the local partnering initiative started in 2008. For example,

Canton: \$470,000 in projects

Livonia: \$740,000 in projects (plus over \$1 million for Hines Park improvements)

Dearborn: \$402, 000 in projects

Westland: \$67,000 in projects (plus \$1.2 million for remediation and restoration of Central City Park, and \$480,000 for Hines Park improvements.)

5) THE CITIZENS SUPPORT THE COUNTY MILLAGE AS CURRENTLY ADMINISTERED.

In the November 2, 2010 renewal election, voters approved the millage. “Yes” votes in:

Canton 69.51%

Dearborn 72.9%

Livonia 73.6%

Westland 74.0%